

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Whitby, David,

Plaintiff,

v.

Advanced Credit Recovery; and DOES 1-10,
inclusive,

Defendant.

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: Civil Action No.: 7:10-cv-00158-CS
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**NOTICE OF WITHDRAWAL OF COMPLAINT AND VOLUNTARY
DISMISSAL OF ACTION WITHOUT PREJUDICE
PURSUANT TO RULE 41(a)**

Whitby, David ("Plaintiff"), by Plaintiff's attorney, hereby withdraws the complaint and voluntarily dismisses this action, without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

Dated: September 2, 2010

Respectfully submitted,

By: /s/ Sergei Lemberg

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2010, a true and correct copy of the foregoing Notice of Withdrawal was served electronically by the U.S. District Court for the Southern District of New York Electronic Document Filing System (ECF) and that the document is available on the ECF system.

By /s/ Sergei Lemberg

Sergei Lemberg